



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

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October 7, 2003

Mr. Thomas V. Skinner
Regional Administrator
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604

Re Update to Recommendations on 8-Hour Ozone

Dear Administrator Skinner:

On July 15, 2003, I provided you with the State of Indiana's initial recommendations of designation of Indiana counties under the 8-hour ozone standard. I have attached a copy of that letter as Attachment A for your reference. In that letter, we committed to provide you with an update and any new information at the end of the 2003 ozone season. IDEM has quality assured the 2003 data and this letter provides that update. It also addresses issues related to classification of counties in Northwest Indiana, issues specific to LaPorte and Madison Counties and Southwest Indiana, and provides additional information your staff have requested.

For the most part, ozone levels measured during the 2003 season are consistent with our initial recommendations. Attachment B is a year-end compilation of ozone values from all monitors. Counties where 2001-2003 data show an exceedance of the standard that did not exceed based on 2000-2002 data and therefore according to USEPA's guidance would be considered nonattainment counties are:

- Delaware 88 ppb
- Vigo 87 ppb
- Warrick 85 ppb
- Floyd 86 ppb

Counties where the 2001-2003 data now show compliance with the standard and therefore would be considered attainment counties are:

- Posey 84 ppb
- Huntington 84 ppb
- Carroll 84 ppb

I note that these changes all involve just a few parts per billion on either side of the health standard. This is consistent with our understanding that these levels are heavily influenced by regional ozone levels and precursor emissions and should be positively affected when the region-wide NO_x reductions are fully implemented in 2004. In light of this, I reiterate Indiana's position that US EPA should defer imposition of mandatory control measures such as stricter new source review and transportation conformity in areas predicted by US EPA's modeling to attain the standard with measures already on the books until it is clear that those reductions are not sufficient.

IDEM continues to urge US EPA to focus attention on those areas not expected to meet the standard with currently promulgated measures. Attachment C shows the counties in Indiana where technical work to date shows that additional planning and, possibly, local control measures will be needed. IDEM has already begun this process in these two regions of our state.

Northwest Indiana

Assuming that US EPA proceeds with Option 2 of its proposed implementation approach, IDEM believes that Lake and Porter Counties would be classified as moderate nonattainment counties. The area's 1-hour design value is 122 ppb and 8-hour design value is 101 ppb (Chilwaukee, WI), which falls within the moderate category proposed by US EPA. According to US EPA's proposed guidance, LaPorte County would also be classified as a moderate nonattainment county. LaPorte County's 1-hour design value is 135 ppb and 8-hour design value is 93 ppb.

IDEM also requests that LaPorte County be designated as its own nonattainment area, separate from the Lake/Porter County nonattainment area. It is a separate MSA and may be eligible for marginal instead of moderate classification, based on available information about the expected effect of regional NO_x controls. IDEM is currently reviewing USEPA's proposed guidance and available data to determine whether a petition could be submitted requesting marginal classification based on an expectation of attainment by 2007. IDEM has consulted with local officials in LaPorte County, who support a separate designation.

Madison County

Although under the recently revised MSA boundaries, Madison County is an independent MSA from the rest of the Central Indiana region, it previously was part of the regional MSA. IDEM requests that it be included as part of the Central Indiana nonattainment region. Madison County officials are fully engaged in the advisory group convened in Central Indiana and have expressed to IDEM their desire to be included as a part of the regional nonattainment area.

Southwest Indiana

In our July submittal, we deferred making a recommendation on four counties in southwest Indiana: Posey, Warrick, Vanderburgh and Gibson. For the second year in a row, only one county in the region has monitor readings exceeding the standard and that value is 85 ppb—as close as it could be to attainment. The region is heavily impacted by regional transport and expected to meet the health standard once the NO_x reductions are fully implemented. As we indicated previously, if nonattainment designation means the imposition of mandatory measures even though available

evidence suggests that those measures are not needed and/or will not be effective, Indiana cannot as a matter of good public policy recommend nonattainment. In the event that US EPA feels it cannot take this approach, however, Indiana recommends that the nonattainment designation be restricted to Warrick County, the only county with a monitor that violates the ozone standard, even though we believe this outcome is not justified or sound environmental policy. Indiana intends to work actively with US EPA to assure that any areas that promptly meet the 8-hour health standard in 2004 or after are redesignated as expeditiously as possible to minimize the duration and adverse impacts of nonattainment status.

Additional Information and Other Issues

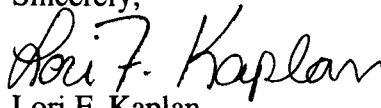
As requested by your staff, we have separately provided you with additional information about Dearborn County. I urge you not to base a nonattainment designation of Dearborn County on the presence of a single industrial source when that source is already subject to the regional NO_x rule and it has not been demonstrated that the source is influencing ozone levels in the Cincinnati area.

Indiana strongly encourages US EPA to find a way to treat Greene and Jackson Counties as rural areas affected by overwhelming transport. US EPA's proposed guidance recognizes the principle of avoiding "absurd results." To subject these two counties, as well as others where existing measures are expected to result in attainment of the standard, to new source review restrictions that will stigmatize those areas without contributing to improvements in air quality would indeed be absurd.

Finally, Attachment D includes information and analysis about the Terre Haute area. Indiana recommends that only Vigo County be considered for nonattainment status; the other counties in that MSA are essentially rural in nature, do not have measured air quality in excess of the standard, and are not contributing to elevated ozone levels in the Terre Haute area. In Delaware County, the MSA boundary includes only Delaware County itself so additional information or analysis is not necessary. Our earlier submittal included complete information on the Southwest Indiana region.

I look forward to further consultation with US EPA on this critical issue. I note that USEPA has not yet finalized its implementation guidance. The specifics of that guidance, when finalized, may warrant further discussion of the points raised in this letter. As I have noted above, Indiana has already begun the modeling and planning process in Central and Northwest Indiana to assure steady progress toward meeting the health standard for all Hoosiers. If you or your staff has questions about this letter or the attached information, please contact Janet McCabe of the Office of Air Quality at 317/232-8222.

Sincerely,


Lori F. Kaplan
Commissioner

LFK/jgm

Attachments